



UNITED STATES GOVERNMENT  
**NATIONAL LABOR  
RELATIONS BOARD**

Region 1 Boston, Massachusetts  
10 Causeway Street, 6th Floor  
Boston, MA 02222-1072  
Telephone: (617) 565-6700

August 19, 2004

Mr. Frank Stueks  
10 Bucks Pond Road  
Harwich, MA 02645

Re: EARTH – TECH, INC.  
Case 1-RD-2038

Dear Mr. Stueks:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been investigated and considered.

Since United Food and Commercial Workers International Union Local 328, AFL-CIO has disclaimed any interest in representing the employees involved in this proceeding, the petition that you filed should be, and hereby is, dismissed.

Moreover, in view of such disclaimer, United Food and Commercial Workers International Union Local 328, AFL-CIO, is no longer the exclusive representative of the employees in the unit involved in this proceeding and the Certification of Representative that issued in Case 1-RC-21611 on May 6, 2003 is hereby revoked.

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

Request Due Date: The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at 5 p.m. on **September 2, 2004**. However, if you mail the request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission.

Extension of Time to File Request: If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, by facsimile transmission, or through the Internet. The fax number is (202) 273-4270. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

Request Contents: The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss the petition is incorrect.

Address for Request for Review: The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

Rosemary Pye  
Regional Director

cc:

Earth Tech  
127 Old Harbor Road  
Chatam, MA 02633  
Attn: Mike Kellar

United Food and Commercial Workers International  
Union Local 328, AFL-CIO  
278 Silver Spring Street  
Providence, RI 02904

United Food and Commercial Workers  
International Union, AFL-CIO  
1775 K Street, NW  
Washington, DC 2006  
Attn: Robert Funk, Jr., General Counsel

General Counsel, Office of Appeals